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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

POON, KING Y

ART UNIT

PAPER NUMBER

2624

DATE MAILED: 07/23/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/753,792

Applicant(s)

SAMARI-KERMANI, KUROSH

Examiner

King Y. Poon

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☒ Claim(s) 11 and 12 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 1/3/2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Objections

1. Claims 11, 12 are objected to because of the following informalities: claims 11, 12 depend on claim 10; claim 10 is claiming a data recording method, not a data recording system. Therefore, the system of claims 11, 12 should be a method. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Claim 4 recites the limitation "the discs" in line 2. There is insufficient antecedent basis for this limitation in the claim. It is unclear what the elements of claim 1 that "the discs" are referring to.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 5-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Kahle (US 5,518,325).

Regarding claim 1: Kahle teaches a data recording system (fig. 3-5) comprising: a computer (e.g., controller 28, column 5, lines 45-50) for receiving information, including fields (column 6, line 1) of identification data (title information, column 6, lines 1-7) to identify the information received (fig. 1); a means (the software part that parses data streams, column 5, lines 65-67, column 6, lines 1-5) for dividing the received information into one or more identifiable files (e.g., the accounts receivable file, the accounts payable files, fig. 1) for a job; (e.g., the printing job or the recording job, column 6, line 1-7, column 4, lines 7-18); an information recorder (CD recorder 24, column 6, line 28) for storing the identifiable files (column 4, lines 10-18) of the job on a data storage medium (e.g., CD, column 6, lines 30-40), and means (e.g., the device that generate a laser or magnetic field, column 3, lines 50-55) for recording information on the data storage medium; a means (the software that extract title information from the data received, column 5, lines 64-67) for selecting fields of identification data (fig. 1) from the information received, for printing (column 6, lines 1-7, fig. 1) on the data storage medium; a printer (column 6, lines 40-45) for printing selected fields of identification data (fig. 1) on the data storage medium and for printing other matter such as logos (fig. 1) on the data storage medium; and means (the software that sends the data to the printer, column 6, lines 50-55) for instructing the printer to print the selected identification data and other matter on the data storage medium.

Regarding claim 5: Kahle teaches wherein a means (software, column 5, lines 45-67, column 6, lines 1-7, for controlling the printer) for selecting the fields selected for printing on the data storage medium is programmed (inherent properties of creating a software) into the data recording system.

Regarding claim 6: Kahle teaches means (software, column 5, lines 45-67, column 6, lines 1-7, for controlling the printer) for image creation for printing on the data storage medium (fig. 1, column 7, lines 1-13) is programmed (inherent properties of creating a software) into the data recording system for printing logos (column 7, lines 1), trademarks (logos are trademarks-a distinctive characteristic a company comes to be known) and other images (fig. 1) on the data storage medium.

Regarding claim 7: Kahle teaches wherein a means for automatically loading and moving discs to be recorded and printed is employed (column 8, lines 20-45).

Regarding claim 8: Kahle teaches wherein the job comprises: a job name (the job of recording records from 1/1/90-1/1/91, fig. 1, and printing the CD), a CD image file name (accounts receivable, fig. 1, column 4, lines 40-45), a number of copies of recording media to be created (column 4, lines 15-18), a label file name (e.g., the printed accounts payable, fig. 1), a label merge file name (column 4, lines 13-14).

Regarding claim 9: Kahle teaches wherein the job comprises: a job name (the job of recording records from 1/1/90-1/1/91, fig. 1, and printing the CD), a CD file list (files 1-3, fig. 1), a number of copies of recording media to be created (column 4, lines 15-18), a label file name (e.g., the printed accounts payable, fig. 1), a label merge file name (column 4, lines 13-14).

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Regarding claim 10: Kahle teaches a data recording method (fig. 1) comprising: receiving data for recording (column 5, lines 45-50), organizing the data received into jobs ; (e.g., the printing job or the recording job, column 6, line 1-7, column 4, lines 7-18, column 8, lines 20-30), storing the data received on a recording medium (column 4, lines 42-60), printing selected data received (column 5, lines 60-67, column 6, lines 1-18) and other information (fig. 1) on the medium such that the medium can be identified.

Regarding claim 11: Kahle teaches wherein the job comprises: a job name (the job of recording records from 1/1/90-1/1/91, fig. 1, and printing the CD), a CD image file name (accounts receivable, fig. 1, column 4, lines 40-45), a number of copies of recording media to be created (column 4, lines 15-18), a label file name (e.g., the printed accounts payable, fig. 1), a label merge file name (column 4, lines 13-14).

Regarding claim 12: Kahle teaches wherein the job comprises: a job name (the job of recording records from 1/1/90-1/1/91, fig. 1, and printing the CD), a CD file list (files 1-3, fig. 1), a number of copies of recording media to be created (column 4, lines 15-18), a label file name (e.g., the printed accounts payable, fig. 1), a label merge file name (column 4, lines 13-14).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kahle as applied to claim 1 above, and further in view of Laney et al (US 6,366,966).

Regarding claim 2: Kahle teaches the data stored on the data recording medium are images (column 4, lines 40-50) a means for recording data.

Kahle does not teach recording instructions on the data storage medium for a computer to automatically load the images stored thereon for viewing.

Laney, in the same area of viewing data stored in a CD, on a computer; teaches recording (not all data on a CD are inherently recorded) software on the medium for viewing the data stored thereon on a computer (column 3, lines 15-65).

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Kahle's CD by the teaching of Laney to include: recording instructions on the data storage medium for a computer to automatically load the images stored thereon for viewing.

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Kahle's CD recording method by the teaching of Laney because of the following reason: (a) it would have provide user with a greater ease of using the computer, as taught by Laney at column 1, lines 10-42.

9. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kahle as applied to claim 1 above, and further in view of Murray et al (US 5,721,891).

Regarding claim 3: Kahle does not teach a timer detects a pause in a data stream to select the end of the data transmitted to the computer for each job.

Murray, in the same area of transmitting data, teaches a timer (column 2, lines 30-35) detects a pause (column 2, lines 40-50) in a data stream to select the end of the data transmitted.

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Kahle to include: a timer detects a pause in a data stream to select the end of the data transmitted to the computer for each job.

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Kahle's data storing method by the teaching of Murray because of the following reason: (a) it would have improved the system of Kahle for detecting the end of data transmitted, as taught by Murray at column 1.

10. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kahle as applied to claim 10 above, and further in view of Pelanek (US 5,724,582).

Regarding claim 13: Kahle teaches creating a data base (stored archived data, column 4, lines 1-7) of records (column 3, lines 62-67) of a person to locate the discs of the person with images (column 4, lines 40-45) to be displayed being stored on.

Kahle does not teach the disc containing patient images.

Pelanek, in the same area of storing data of a person (patient), teaches to stored patient images on a CD (column 5, lines 25-50).

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Kahle to include: storing patient images onto the discs to be displayed.

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Kahle's data storing method by the teaching of Palanek because of the following reason: (a) it would have allowed Kahle's system to be employed in the medical field; and (b) it would have improved the storage system of medical establishment to serve mankind.

11. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kahle as applied to claim 10 above, and further in view of Laney et al (US 6,366,966).

Regarding claim 14: Kahle does not teach recording software on the medium for viewing the data stored thereon on a computer.

Laney, in the same area of viewing data stored in a CD, on a computer; teaches recording (not all data on a CD are inherently recorded) software on the medium for viewing the data stored thereon on a computer (column 3, lines 15-65).

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Kahle's CD to include: recording software on the medium for viewing the data stored thereon on a computer.

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Kahle's CD recording method by the teaching

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of Laney because of the following reason: (a) it would have provide user with a greater ease of using the computer, as taught by Laney at column 1, lines 10-42.

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to King Y. Poon whose telephone number is (703) 305-0892.

7/16/04

King Y. Poon